IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13025 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAYURIKA KIRTIKUMAR PATEL

Versus

UNION OF INDIA

Appearance:

MR PK PAREKH for Petitioner

MR AKSHAY H MEHTA, Ld. CGSC for Respondent

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/12/2000

ORAL JUDGEMENT

I have heard Mr.P.K.Parekh, learned Counsel appearing on behalf of the petitioner. Rule. Mr.Akshay Mehta, learned CGSC, waives service of rule on behalf of the respondent.

The petitioner was issued an international passport No.A-074048 on 14-9-1990, which has already expired. In the passport, the date of birth was recorded as 16-7-1961. The aforesaid date of birth of the petitioner was based on the date of birth of the petitioner in the School Leaving Certificate. It is submitted by the learned Counsel for the petitioner that at the time of taking admission in the School, the date of birth was erroneously recorded and in fact, the correct date of birth of the petitioner is 14-3-1957. The petitioner has obtained the Birth Certificate from the Ahmedabad Municipal Corporation and from the copy of the said certificate issued by the Ahmedabad Municipal Corporation, it appears that the date of birth of the petitioner is 14-3-1957. The learned Counsel for the petitioner submitted that the date of birth of the petitioner is required to be recorded as 14-3-1957, as that is on the basis of the Birth Certificate issued by the Registrar, Births and Deaths of the Ahmedabad Municipal Corporation. It is true that if there is any conflict between the date of birth recorded in the School Leaving Certificate and the date of birth recorded in the Birth Certificate issued by the Registrar, Births and Deaths, then the date of birth shown in the Birth Certificate issued by the Registrar, Births and Deaths should prevail. It is submitted by the learned Counsel for the petitioner that the petitioner has approached the respondent Regional Passport Officer, Ahmedabad for correcting the date of birth of the petitioner as 14-3-1957 in the new passport to be issued to the petitioner, but the respondent Authority has declined to do so. Hence this petition.

Mr.Akshay Mehta, learned CGSC, appearing on behalf of the respondent submitted that if the genuine documents are produced before the respondent Authority by the petitioner, then he may consider the same. Accordingly, the petitioner may furnish all relevant documents, including the Birth Certificate issued by the Registrar, Births and Deaths before the respondent Authority and if such documents are furnished, the respondent Authority shall consider the same in accordance with law and if he is satisfied, he may make necessary corrections regarding the date of birth of the petitioner in the new passport to be issued to the petitioner. If such corrections are made by the respondent Authority in the new passport of the petitioner, then the petitioner shall pay a sum of Rs.1,500/- to the respondent Authority.

With the aforesaid observations and directions, the present petition is disposed of. Rule is made absolute to the above extent. Direct service is permitted.

20-12-2000 (P. K. Sarkar, J.)

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